

Circuit's decision in *Sigma Corporation v. United States*, 117 F. 3d 1401, 1407–08 (Fed. Cir. 1997). For a discussion of the valuation of Changhong, Konka, and TCL's freight costs, see the "Export Price/Constructed Export Price" section of this notice, above. Regarding the valuation of foreign inland freight for XOCECO, we note that XOCECO failed to amend its factors of production database to include distances and modes of transportation from NME suppliers, despite a specific request that it do so. As a result, we find that the use of FA, pursuant to section 776(a)(2)(A) of the Act, is appropriate. Furthermore, because XOCECO failed to cooperate by not acting to the best of its ability to comply with the request for information, we find that an adverse inference is warranted under section 776(b) of the Act. In calculating freight on factor inputs, as AFA, we multiplied the factor input by the highest freight surrogate value on the record of this case and the distance from the applicable port to the factory.

Where appropriate, we adjusted surrogate values to reflect inflation up to the POI using the WPI or the PPI published by the IMF, as appropriate.

Some inputs were purchased from market-economy suppliers and paid for in convertible currency. Following our normal practice, we used the actual price paid for these inputs, where possible. However, where the input was not purchased from a market-economy supplier and paid for in a market-economy currency, or where the input was purchased from a market-economy country which the Department has found to maintain broadly-available, non-industry-specific subsidies which may benefit all exporters to all export markets (*i.e.*, Korea, India, Indonesia, and Thailand), it was necessary to select a surrogate value.

Regarding color picture tubes and speakers, where the respondents purchased these inputs from suppliers in the PRC or from one of the market economies identified above, we valued these inputs using import data obtained from <http://www.infodriveindia.com>, a fee-based Web site providing Indian customs data. We used this source because it provided the most specific information available for the color picture tubes and speakers used by the respondents. See the Factors Memorandum. We valued all other major raw material inputs not purchased by the respondents from market economies using India import statistics published by the Directorate General of Commercial Intelligence and Statistics of the Ministry of Commerce and Industry, Government of India,

Calcutta and published by the *World Trade Atlas Trade Information System (World Trade Atlas)* covering the period October 2002 through March 2003.

Regarding sales of scrap metal, XOCECO twice failed to provide requested documentation demonstrating sales of scrap metal during the POI. As a result, use of FA, pursuant to section 776(a)(2)(A) of the Act, is appropriate. Furthermore, since the Department finds that XOCECO failed to cooperate by not acting to the best of its ability to comply with the request for information, an adverse inference is warranted under section 776(b) of the Act. As AFA, we are denying XOCECO any offset on sales of tin scrap to its consumption of tin. Rather, we allocated this quantity of scrap across the production of subject merchandise during the POI, thereby increasing the per-unit consumption of this metal.

We valued natural gas using a price obtained from the website of the Gas Authority of India Ltd., a supplier of natural gas in India, covering the period January through June 2002. For further discussion, see the Factors Memorandum.

For aluminum paper, cardboard, carton, inner cardboard paper, labels, manuals, nails, outside cardboard paper, package bags, packing tape, plastic accessory bags, plastic bags, plastic strap, polyethylene plastic bags, polyfoam, polypropylene sheet, and staples (*i.e.*, the packing materials reported by the respondents), we used import values from the *World Trade Atlas*.

Regarding the remaining raw material factors of production reported by the respondents, we did not value these factors because: (1) Surrogate value information was not available; and (2) the materials were reported as used in very small amounts. See the memorandum entitled "Concurrence Memorandum for the Preliminary Determination in the Investigation of Certain Color Television Receivers from the People's Republic of China," dated November 21, 2003. We valued electricity using electricity rate data from the International Energy Agency's Key World Energy Statistics 2002 report (see <http://www.iea.org/statist/keyworld2002/key2002/keystats.htm>) used in the 2002–2003 antidumping duty administrative review of creatine from the PRC. See *Creatine Monohydrate From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review*, 68 FR 62767, 62769 (Nov. 6, 2003).

We valued labor based on a regression-based wage rate, in accordance with 19 CFR 351.408(c)(3).

To determine factory overhead, depreciation, SG&A expenses, interest expenses, and profit for the finished product, we relied on rates derived from the financial statements of BPL, Onida Saka, and Videocon, Indian producers of identical merchandise. We applied these ratios to the respondents' costs (determined as noted above) for materials, labor, and energy.

### Critical Circumstances

On October 16, 2003, the petitioners alleged that there is a reasonable basis to believe or suspect critical circumstances exist with respect to the antidumping investigation of CTVs from the PRC. In accordance with 19 CFR 351.206(c)(2)(i), because petitioners submitted a critical circumstances allegation more than 20 days before the scheduled date of the preliminary determination, the Department must issue its preliminary critical circumstances determination not later than the date of the preliminary determination.

Section 733(e)(1) of the Act provides that the Department, upon receipt of a timely allegation of critical circumstances, will determine whether there is a reasonable basis to believe or suspect that: (A)(i) there is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise, or (ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at less than its fair value and there was likely to be material injury by reason of such sales, and (B) there have been massive imports of the subject merchandise over a relatively short period.

According to 19 CFR 351.206(h)(1), in determining whether imports of the subject merchandise have been "massive," the Department normally will examine: (i) The volume and value of the imports; (ii) seasonal trends; and (iii) the share of domestic consumption accounted for by the imports. In addition, 19 CFR 351.206(h)(2) provides that "unless the imports during a 'relatively short period' have increased by at least 15 percent over the imports during an immediately preceding period of comparable duration, the Secretary will not consider the imports massive."

In accordance with 19 CFR 351.206(i), the Department defines "relatively short period" as generally the period beginning on the date the proceeding